

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN

EVANGELINA JUAREZ RAMIREZ,

Plaintiff,

vs.

RYAN L. CRAWFORD and
MID AMERICA CONTRACTING INC.

Defendants.

Civil Action No. _____

Hon. _____

Kent County Circuit Court 19-10926-NI
Hon. Mark A. Trusock

JOHNSON LAW, PLC
Samuel H. Pietsch (P30173)
Ven R. Johnson (P39219)
Anthony P. Sinishtaj (p82128)
Attorneys for Plaintiff
535 Griswold St, Suite 2632
Detroit, MI 48226
(313) 324-8300; (313) 324-8301 (fax)

Ray H. Littleton II (P69733)
Alexander J. Thibodeau (P82939)
Foster, Swift, Collins & Smith, P.C.
Attorneys for Defendants
1700 East Beltline, N.E., Suite 200
Grand Rapids, MI 49525-7044
(248) 539-9903

DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL COURT

TO: CLERK OF THE COURT
Samuel H. Pietsch

Defendants, Ryan L. Crawford and Mid America Contracting Inc. ("Defendants"), through their counsel, Foster Swift Collins & Smith, P.C., hereby removes this action filed by Plaintiff, Evangelina Juarez Ramirez ("Plaintiff") from the Kent County Circuit Court to the United States District Court for the Western District of Michigan and states as follows:

1. On December 11, 2019, Plaintiff Evangelina Juarez, through her counsel, filed a third party motor vehicle negligence complaint against Defendants Ryan Crawford and

Mid America Contracting Inc arising from a motor vehicle accident that occurred on November 1, 2018. The Complaint is attached as **Exhibit A**.

2. According to Paragraph 2 of the Complaint, at all relevant times, Plaintiff was a resident of Kent County in the State of Michigan.

3. Defendant Ryan L. Crawford is a resident of the State of Illinois. See Paragraph 3 of the Complaint.

4. Defendant Mid America Contracting Inc., is a foreign corporation in the State of Illinois. Mid America Contracting Inc is the owner of the 2014 GMC Sierra pickup truck that Mr. Crawford was operating at the time of the subject accident.

5. There is no dispute that all Defendants are from the State of Illinois creating complete diversity.

6. Mid America Contracting Inc maintains an automobile liability insurance policy through Erie Insurance Company and has a policy with limits in amount of \$1,000,000 per occurrence. See Declaration Page, **Exhibit B**.

7. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and this action is between citizens of different states.

8. A civil action may be removed to federal court if “none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. § 1441(b).

9. Pursuant to 28 U.S.C. § 1332(a), the amount at issue in this controversy exceeds the sum or value of \$75,000, exclusive of interest, costs, and attorney fees as a

result of the \$1,000,000 per occurrence motor vehicle liability insurance Mid America Contracting, Inc maintains through Erie.

10. This removal petition is timely under 28 U.S.C. § 1446(b) because Defendants filed this Notice of Removal within thirty (30) days of the service of Defendant Ryan Crawford who received copies of the pleadings setting forth the claim for relief upon which this removal is based. Defendant Ryan Crawford's wife was served with the Pleadings at their residence on January 2, 2020.

11. Where this Court has original diversity, Defendants are entitled to remove this action from the Kent County Circuit Court to this Court, pursuant to 28 U.S.C. § 1441(a).

12. In accordance with 28 U.S.C. § 1446(d), a Notice of Filing Notice of Removal and a copy of this Notice of Removal will be filed with the Kent County Circuit Court, and a copy of said Notices will be served upon counsel of record for Plaintiff.

13. In addition, all filings listed on the lower court docket are attached hereto as **Exhibit C.**

Wherefore, Defendants Ryan L. Crawford and Mid America Contracting Inc request that this Court exercise jurisdiction over this action and grant such other relief as this Court deems proper.

Respectfully submitted,

Foster, Swift, Collins & Smith, P.C.

By: /s/ Alexander J. Thibodeau
Ray H. Littleton II (P69733)
Alexander J. Thibodeau (P82939)
Attorneys for Defendants
1700 East Beltline, N.E., Suite 200
Grand Rapids, MI 49525-7044

Dated: January 27, 2020